

REMARKS

Re-examination and allowance of the present application is respectfully requested.

Initially, Applicants note that the Examiner indicates that the original patent, or a statement as to loss or inaccessibility of the original patent, must be provided before the present reissue application can be allowed. Applicants note that under 37 C.F.R. §1.178(a), as published in the Federal Register (Vol. 69, No. 182, September 21, 2004), the application for reissue of a patent shall constitute an offer to surrender that patent, and the surrender shall take effect upon reissue of the patent. Comment 107 associated with this Rule indicates that physical “surrender” is not required. Further, the comments indicate that the amended Rule applies retroactively to all pending applications. Thus, Applicants submit that the requirement to surrender the original patent, or to provide a statement as to its loss or inaccessibility, is no longer required. Accordingly, Applicants respectfully request that the Examiner vacate/withdraw the requirement, or otherwise indicate that return of the original letters patent is now unnecessary.

Claims 1-9 of the present application stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-9 of co-pending reissue Application No. 10/727,331; claims 1-14 of co-pending reissue Application No. 10/727,329; and claims 1-10 of

co-pending reissue Application No. 10/727,330. Applicants respectfully traverse these grounds of rejection, submitting that the claims of the present application are patentably distinct from the claims of co-pending reissue Application Nos. 10/727,331; 10/727,329; and 10/727,330.

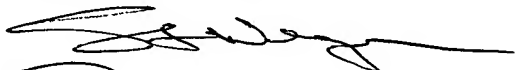
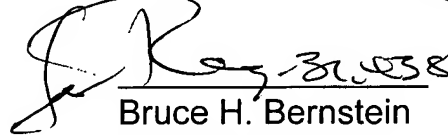
According to a feature of the present invention, a control device controls the luminance of an image based on an increase of a temperature difference estimation value. Applicants submit that this feature is patentably distinct from claims 1-9 of co-pending reissue Application No. 10/727,331, in which a maximum luminance is lowered as the temperature difference estimation value increases. Applicants also submit the above-noted feature of the claims of the present application is patentably distinct from claims 1-14 of co-pending reissue Application No. 10/727,329, in which a region adjacent to an outer peripheral portion is extracted from among a plurality of regions, so that a luminance level of the peripheral region is lowered as a temperature difference estimation value increases. Further, Applicants submit that the above-noted feature of the claims of the present invention is patentably distinct from claims 1-10 of co-pending reissue Application No. 10/727,330, in which a light emitting format, from a plurality of light emitting formats, is selected based upon a temperature difference estimation value.

Based on the above, Applicants submit that the ground for the various obviousness-type double patenting rejections no longer exist. Accordingly, the Examiner is respectfully requested to withdraw these grounds of rejection.

In view of the present amendment, Applicants submit that all issues raised by the Examiner have been addressed and over-come. Accordingly, Applicants believe that the present application is in condition for allowance, and respectfully request such an indication from the Examiner.

Should the Examiner have any further questions, the Examiner is requested to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
Mitsuhiro KASAHARA et al.

Bruce H. Bernstein
Reg. No. 29,027

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GREENBLUM & BERNSTEIN, P.L.C.
1950 Roland Clarke Place
Reston, VA 20191
(703) 716-1191